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DRAFT REPORT ON SATELLITE RECONNAISSANCE PROGRAMS

NOTE

This report and its recommendations do not include examination of possible private disclosure of US reconnaissance satellite capabilities to the Soviet leadership.

DISCUSSION

1. The essential security and technical requirements of the US reconnaissance satellite program are not incompatible with foreign policy objectives enunciated by the US, nor do they conflict with existing commitments assumed by the US in international agreements on outer space matters.
2. The US is not at present legally bound to observe any commitments regarding the use of outer space. However, as a matter of national policy, the US does consider itself bound to comply with the United Nations General Assembly Resolution 1721 (XVI), which the US drafted and sponsored and which was unanimously adopted by the UNGA on December 20, 1961. That Resolution "commends to States for their guidance in the exploration and use of outer space" two principles:
 - (a) International law, including the Charter of the United Nations, applies to outer space and celestial bodies;
 - (b) Outer space and celestial bodies are free for exploration and the use by all States in conformity with international law, and are not subject to national appropriation.

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3. Pursuant to UNGA Resolution 1721, the United States now registers satellite launchings with the UN. There is no internationally agreed formula governing the data provided for registration with the United Nations.

4. Also pursuant to UNGA Resolution 1721, the US has taken part in the work of the UN Outer Space Committee. At the recent meetings of the Committee's Legal Subcommittee in Geneva, the US proposed:

(a) A draft General Assembly resolution regarding assistance to and return of space vehicles and their occupants, and

(b) A draft resolution requesting the Secretary General of the United Nations to constitute a panel of experts to draft an international agreement dealing with liability of launching states and international organizations for injury, loss or damage caused by space vehicles.

These proposals were carefully framed so as not to affect the US reconnaissance satellite program. It should be noted, however, that the issue of banning reconnaissance satellites was specifically raised by the Soviets in a Draft Declaration of Principles. The question of exempting reconnaissance satellites from any agreement to return space vehicles inadvertently landing on the territory of other states was also raised and supported not only by the Bloc, but by some other countries as well. The Legal Subcommittee was unable to reach agreement on any substantive issues, and agreed only to establish working groups to examine

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possible compromise proposals. The US Delegation in the Outer Space Technical Subcommittee, which met concurrently, proposed that reports on general national plans for international space activities be submitted to the Outer Space Committee and agreement was reached on this point. It was made clear by the United States (and by the Soviet Union) that such information will be submitted on a purely voluntary basis and at the discretion of the reporting state.

5. There are at present no international agreements on disarmament or arms control. However, the present US disarmament proposal, to which we are committed, includes a provision which would affect the reconnaissance satellite program. The Treaty Outline on General and Complete Disarmament of April 18, 1962, includes as a measure in Stage One provision for prohibition of "the placing into orbit of weapons capable of producing mass destruction." For verification of this measure, inspection of vehicles and advance notification of all launchings of space vehicles and missiles, including information on the track of the space vehicles or missiles, would be provided. In addition, the International Disarmament Organization would establish any arrangements necessary for detecting unreported launchings. Finally, the production, stockpiling and testing of boosters for space vehicles would be subject to agreed limitations. The US is also committed to consideration of the general idea of a possible separate disarmament agreement limited to banning weapons of mass destruction from outer space. We have not, however, advanced specific provisions of such an agreement.

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6. It is clear that in negotiations involving outer space and disarmament certain issues have been or will be raised that have serious implications for the US reconnaissance satellite program and on which the US position must be carefully formulated and vigorously defended. Our negotiating posture is weakened, however, by current security restrictions that prevent us from making a full and convincing explanation of our position to allies and friendly neutrals. We are increasingly in danger of being isolated in negotiations on seemingly minor issues, whose implications are better understood by our enemies than our friends.

A careful review of official statements on US plans for a reconnaissance satellite program, of present free world attitudes toward the concept of satellite reconnaissance, and of the probable extent of Soviet knowledge of our program, indicates that there is little risk from a security point of view in the US privately seeking support from allies and certain neutrals through a frank exposition of our reconnaissance satellite program. It would be designed to impress upon them the importance of the program to the free world, the requirements it imposes on US negotiating positions on outer space and disarmament matters, and US determination to protect and pursue the program.

7. Public official statements, budgetary funding of the reconnaissance satellite program, and limited publicity about launching of developmental vehicles associated with the program, have committed the US to some degree

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of public acknowledgment of this program. Intent to develop a reconnaissance capability is on record. No official statement has indicated what results might have been achieved or information obtained from satellite reconnaissance.

8. The existence of a US requirement for effective intelligence on the Sino-Soviet bloc is generally clear to the governments of the principal countries of the free world, as well as to official, military and some other groups in those countries. Available evidence indicates that these elements generally support US efforts to develop reconnaissance satellite systems. In some cases, US activities in connection with satellites (not specifically reconnaissance satellites) have elicited local concern. In Japan, for example, there has been reluctance to cooperate with NASA on the establishment of US tracking facilities because of suspicion that space weapons might be or become involved. In Zanzibar and Nigeria some groups have argued that the presence of US tracking stations is inconsistent with a neutralist posture since the stations may involve US activities of a military nature. These scattered evidences of concern suggest that a concerted Sino-Soviet bloc campaign attributing sinister and threatening motives to US military (including reconnaissance) satellite programs might elicit a favorable and sympathetic reaction not only from anti-US elements, but also from some others concerned over any heightening of international tension. US private diplomatic efforts to gain support for the concept of the right of space reconnaissance would probably counteract the Soviet campaign to some degree, though it is unlikely that the US could at this time gain widespread support for a positive affirmation in the UN or other international forum of the right to conduct space reconnaissance.

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9. It is particularly important that the US avoid public statements about our satellite operations that would pose a direct political challenge to the Soviet Union on the sensitive issue of reconnaissance. There is reason to believe that the Soviets are developing an anti-satellite weapons system and they may have some capability for anti-satellite operations by 1963. While the US probably cannot prevent the Soviets from employing physical anti-satellite measures, the Soviets can be made to pay a high political price for doing so. US handling of its public relations on reconnaissance operations and, equally important, on US development of anti-satellite capabilities will have an important bearing on this question.

RECOMMENDATIONS

General Principles

1. The United States should maintain the legal position that activities in outer space are governed by international law and, specifically, that all of outer space is free and open to peaceful uses just as are the high seas.
2. The US should continue to avoid any position declaring or implying that observation (reconnaissance) activities in outer space are not "peaceful use," and are not legitimate.
3. The US should actively seek to gain the widest possible acceptance for the principle of freedom of space.^H The US should, to the extent feasible, seek to avoid public use of the term "reconnaissance," and

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where appropriate to use instead such terms as "observation of the earth," or "photographic satellites." The argument should be made along the following lines:

International law imposes no prohibition on observation or photography of the earth from outer space. Such action is peaceful in character, and does not interfere with other activities on earth or in space. For example, we consider that the observations made by Major Titov while aboard Vostok II, as indeed any other observation which the USSR may be conducting from outer space, are peaceful. Observation of the earth from satellites makes possible the accomplishment of many tasks beneficial to mankind, such as weather forecasting, resource surveys, mapping, and geodesy. Many such activities have military applications, but this does not mean that they are non-peaceful.

At the same time, it is recognized that the US cannot entirely avoid or disclaim interest in reconnaissance, since to attempt to do so would be unconvincing, would render the US vulnerable to charges of deceit and evasiveness, and would preclude efforts to broaden acceptance of the principle of legitimacy of space reconnaissance. Therefore, where feasible the US should also seek to gain acceptance of the principle of the legitimacy of space reconnaissance, although we should avoid pressing the issue to a decision in any world forum until we believe we could carry a majority on the issue.

Disclosure and Public Information

4. The US should not at this time attempt to conduct a truly clandestine program (by which we mean a program with covert and unregistered launchings, and public denial that the US is engaged in reconnaissance), for the following reasons:

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(a) it is already officially acknowledged that we are developing a satellite reconnaissance capability;

(b) it would contradict our claim to legitimacy; and

(c) it could tend to discredit our integrity by forcing the US to violate or alter present registration practices pursuant to the UN resolution which we ourselves proposed, and which was unanimously adopted by the General Assembly (UNGA Resolution 1721-XVI). However, it is recognized that if the USSR should employ active countermeasures, drastic changes in present operating procedures may be necessary, perhaps including establishment of new launch sites which would permit truly secret launchings.

5. It does not appear practicable to attempt to submerge our space reconnaissance programs in the over-all NASA scientific space program. However, current practice focuses attention on the very program we wish not to publicize. A possible solution would be re-establishment of a general cover program, whose stated objectives could purposely be left vague and broad, and which would include all military programs. This would allow information officers to announce launches in terms of these non-specific, noncommittal objectives, rather than in terms of military secrecy. To be successful such a program would require elimination of any differential in publicity between various shots, and would require that all launches uniformly be given broad generalized descriptions.

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6. The US should not, at this time, publicly disclose the extent, effectiveness or operational characteristics of its reconnaissance program.

7. The US should publicly reveal that it has significant space reconnaissance capabilities in order to be able to argue that a new information "equalizer" has now stabilized the world power situation, and/or offered promise of disarmament agreement.

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Arguments Pro:

Some headway could be made with world opinion, and possibly with the Soviet leaders, in arguing that secrecy was gone and that the chief impediment to inspection was removed; the Soviets could not charge us with wanting espionage opportunities, if in fact we clearly had the intelligence. The US could afford to settle somewhat less stringent inspection provisions in disarmament agreements. Separately, or as a corollary, we could more persuasively argue that there was a more stable world, that the "intelligence gap" had been eliminated.

Arguments Con:

The effect would be, and would be seen as, destabilizing since the US has a credible first-strike threat and the

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USSR does not. The Soviet leaders would realize this, and would interpret our initiative as provocative flaunting of strength and attempt to intimidate them into sealing their inferiority by compelling acceptance of ground inspection controls. They would therefore be more, rather than less, obstreperous and less, rather than more, inclined to reach inspection agreements. Moreover, the neutrals, and even some Allies, would argue that the US no longer needed such extensive inspection controls, or even that we no longer needed any at all, that "national verification systems" could be extended to general disarmament.

8. Strict control over public statements and backgrounding concerning reconnaissance satellites should be exercised to ensure consistency with the policy guide-lines suggested in these recommendations. In particular, satellite reconnaissance should not be associated with possible weapons-carrying satellites, since relationships to disarmament and other matters differ. Strict control over public statements on development of anti-satellite capabilities should attempt to minimize publicity on this subject, and to avoid any indications that physical countermeasures to reconnaissance vehicles (or, indeed, to any other satellites) would be justified.

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Diplomatic Initiatives

9. The US should disclose frankly to our Allies and selected neutrals the fact that the US is engaged in a space reconnaissance program and describe it in enough detail to impress upon them its importance for the security of the Free World. It should be stressed that the US will not be pressured out of this program, and that their cooperation is essential in parrying Soviet efforts to apply such pressure. The US should note that, except for certain clearly defined disarmament agreements, the US cannot agree to (a) declarations of the precise purpose of each satellite, (b) declarations of the equipment of each satellite, (c) advance notification of satellite launchings, (d) provide information on the tracks of satellites, (e) pre-launch inspection of the satellites, or (f) a specific definition of peaceful uses of space which does not embrace reconnaissance.

10. The US should stand by the disarmament proposal for a Stage One provision banning weapons of mass destruction in space, and providing for advance notification and inspection of all space launchings to insure that ban. The US should continue to exclude any ban on reconnaissance satellites. If the US should adopt a policy calling for development of weapons-carrying spacecraft, it should be noted that such development may be necessary so long as the Soviets refuse to agree to disarmament.

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11. The US should propose a separate arms control agreement banning all weapons of mass destruction from outer space, excluding any ban on reconnaissance activities, with appropriate controls. (Decision on this question depends, of course, on political and other considerations apart from its effect on satellite reconnaissance programs.)

Arguments Pro:

The USSR is unlikely to accept such a proposal, but the US record of willingness to make such an agreement would bring favorable world reactions, and would tend to undercut criticism of US developmental activity of weapons-carrying spacecraft. Reconnaissance vehicles would not be included, and such further compromise of secrecy of our program as might result from Soviet claims that inspection for nuclear weapons revealed presumptive evidence of reconnaissance would not be significant. Also, the very agreement on such a measure would create a different political context in which Soviet hostile countermeasures would be more politically costly to them. The benefits to hostile countermeasures from advance notification might impose

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operational difficulties, but by the terms of the agreement itself the Soviets would be prohibited from using nuclear weapons against satellites. An agreement would also make a real contribution by closing down the arms race in a field which could otherwise threaten US security. If the USSR violated the agreement by shooting a nuclear weapon at a reconnaissance satellite, they would do so at the great political cost of having killed this agreement.

Arguments Con:

The USSR would use the occasion of debate on such a ban to attack reconnaissance satellites, and might try to blame failure of agreement on US refusal to include a ban on reconnaissance. If the USSR agreed to such a ban, they would learn much about our reconnaissance operations (even though the degree of inspection would not provide details such as resolution of photography), and would be aided in physical countermeasures by advance notification of launchings.

12. The US should agree to provide advance notification of satellite launchings (along with intermediate and inter-continental missile firings) as part of a proposal "to reduce the risks of war."

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Arguments Pro:

This would show a US interest in positive measures to reduce the possibility of war by accident, and if an agreement were reached would contribute to reducing the chances of war. An agreement on prior notification of missile and satellite launchings would place additional political onus on the Soviets if they should subsequently shoot down a US vehicle, and would provide good grounds for US withdrawal from this portion of an agreement and subsequently for undertaking secret launchings.

Arguments Con:

There would be increased dangers to reconnaissance satellites from hostile countermeasures. Advance notification would require giving the time and place of launchings, and probably the general track; the Soviets might also seek to engage us in debate over providing the purpose of satellite launchings as well.

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